

REMARKS

The specification has been amended in order to correct spelling, grammatical and idiomatic errors contained therein. No new matter has been added.

In order to expedite the prosecution of the present application, Claim 1 has been amended to incorporate the subject matter of Claim 2. Additionally, Claim 4 has been amended to incorporate the subject matter of Claim 8. Accordingly, Claims 2 and 8 have been canceled. In response to the Examiner's rejections of Claims 10, 11, 14 and 15, these claims have been canceled. Claims 9 and 13 also have been canceled. Newly presented Claims 16-19 are directed to specific embodiments of the present invention. No new matter has been added. It is respectfully solicited that the currently presented claims are cured of all formal defects.

Claims 1-15 have been rejected under 35 USC 102(e) as being anticipated by Sakaki et al. Claims 1, 2, 4-11 and 13-15 have been rejected under 35 USC 102(e) as being anticipated by Gallucci et al. Claims 1 and 4-7 have been rejected under 35 USC 102(b) as being anticipated by Bray et al. Claims 1 and 4-7 have been rejected under 35 USC 102(b) as being anticipated by Hayward et al. Claims 3 and 12 have been rejected under 35 USC 103(a) as being unpatentable over Gallucci et al in view of Sakaki et al. Applicants respectfully traverse these grounds of rejection and urge reconsideration in light of the following comments.

The presently claimed invention is directed to a thermoplastic resin composition comprising 2.5 to 15 wt% of a styrene-based thermoplastic elastomer and 85-97.5 wt% of a tungsten powder and to a thermoplastic resin molded article made of this thermoplastic resin composition. As discussed in the present specification, the instant invention provides a molded article that is highly flexible and has an excellent processability while still possessing a specific gravity as high as lead and can be used as a material for forming various kinds of articles requiring both a high specific gravity and

flexibility such as a balance weight. Since the inventive thermoplastic resin composition can be used in place of lead, the environmental and toxicity problems associated with lead can be avoided. The present invention provides a material having a high specific gravity and an appropriate flexibility to be substituted for lead. It is respectfully submitted that the presently claimed invention is patentably distinguishable over the prior art cited by the Examiner.

In order to remove Sakaki et al as a reference, Applicants are enclosing herewith a Declaration Under 37 CFR 1.132 which states that the thermoplastic resin composition disclosed in U.S. Patent No. 6 364 422 and Japanese Patent Application No. 11-234419 was disclosed to the inventors of the U.S. Patent and Japanese Patent Application by the present inventors. Accordingly, U.S. Patent No. 6 364 422 is not available as a reference against the present application.

Gallucci et al, U.S. Patent No. 6 300 399, also is not available as a reference against the present application. Gallucci et al has an earliest U.S. filing date of August 27, 1999. A copy of Japanese Patent Application No. 11-95712 and an English language translation thereof were submitted to the Patent Office on January 8, 2002. Although the present application does not claim the priority of Japanese Patent Application No. 11-95712, this reference does establish that the present inventors had invented the claimed subject matter at least by a date of April 2, 1999. Since the filing date of April 2, 1999 of Japanese Patent Application No. 11-95712 precedes the filing date of August 27, 1999 of provisional Patent Application No. 60/151 228, Gallucci also is not available as a reference against the present application.

The Bray et al reference discloses a high density composite material comprising tungsten, fiber and a binder. The polymeric binder is selected from the group consisting of cellulose, fluoro-polymer, ethylene inter-polymer alloy elastomer, ethylene vinyl acetate, ionomer, nylon, polyetherimide, polyester elastomer, polyester sulfone,

polyphenyl amide, polypropylene, polyvinylidene fluoride or a thermoset polyurea elastomer. This reference does not disclose the use of a styrene-based thermoplastic elastomer as a binder. As such, the presently claimed invention clearly is distinguishable thereover.

The Hayward et al reference discloses a high density material composed of a material comprising tungsten-containing particles in a settable or hardenable polymeric matrix. The matrix material is disclosed as being selected from the group comprising silicone rubber and polyethylene. There is no disclosure in this reference of the use of a polystyrene-based thermoplastic elastomer as the matrix material. Accordingly, it is respectfully submitted that the presently claimed invention is patentably distinguishable thereover.

Reconsideration of the present application and the passing of it to issue is respectfully solicited. If the Examiner feels that there are any outstanding matters left to be resolved in the present application, he is respectfully requested to contact the undersigned in order that they may be dealt with.

Respectfully submitted,


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Encl: Declaration Under 37 CFR 1.132
Japanese Patent Application No. 11-95712 and
English language translation thereof
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